

IN THE COURT OF THE SESSIONS JUDGE, SAHARSA

B.A No.144/19

Rahul Kumar Sharma Petitioner

Vrs.

The State of Bihar

Order-Sheet

19.03.19

The bail petition is filed on behalf of Rahul Kumar Sharma in custody appertaining to Saharsa P.S. Case No.934/2018 under Section 25(1-B)a, 26 and 35 Arms Act. The petition is pressed after serving the copy of the State.

2. Heard both the parties and perused the record including the case diary which has been called for.

3. Sri Prakash Kumar Rai, the learned counsel appearing on behalf of petitioner has agitated the ground mainly that petitioner has no manner of concern with the alleged occurrence and he is falsely implicated. Further he submitted that petitioner is rotting in jail custody from 17.08.2018 being arrested by the police when he approached on the place of occurrence in course of visiting his place of relative. Accordingly the prayer has been made to enlarge the petitioner on bail. .

4. The learned P. P. Sri R.P. Yadav has opposed the prayer contending mainly submitting that the petitioner is the named accused of FIR and one loaded countrymade Katta recovered from his conscious possession therefore he is not deserving bail.

5. The case of prosecution in short is that informant being police officer recorded his self statement on 16.08.2018 to the effect that on 16.08.2018 at 20:00 hours he got secret information that near Jori post some miscreants had assembled to commit some crime. To verify the truth informant alongwith police force proceeded towards the said place and saw near Jori pond under the boundary wall of Mithilesh Yadav in a half built house two persons were sitting on a Machan, who on seeing the police force tried to flee away but were caught and on interrogation they disclosed their name as Rahul Sharma and Mithun @ Mithilesh Kumar and on search in presence of several independent persons loaded a countrymade Katta as per description mention in the FIR including mobile phone and cash amount of Rs.500/- has been recovered from the waist of Rahul Sharma. On search of another miscreant namely Mithun @ Mithilesh Kumar a live cartridge of .315 bohr of 8 m.m. has been recovered from the pocket of his half pant and a screen touch mobile has been recovered. On interrogation both the miscreants did not give satisfactory reply for possessing such arms and ammunition and accordingly seizure list has been prepared in presence of independent witnesses and both the accused persons arrested and prosecuted.

6. The recovery of firearms and ammunitions is made from conscious possession of the petitioner but charge-sheet is submitted without sanction of prosecution and

Continued

19.03.2019

moreover petitioner has remained in custody from 17.08.2018.

7. Considering above facts and the period undergone in custody the prayer of bail is allowed. He is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rs. Ten thousands) with two sureties of the like amount each to the satisfaction of the learned court below.

Dictated & corrected by me


Sessions Judge,